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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,318	07/31/2002	Franz Egger	449122026100	7286
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MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102				
			EXAMINER KNOWLIN, THJUAN P	
			ART UNIT 2642	PAPER NUMBER

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/089,318

Applicant(s)

EGGER ET AL.

Examiner

Thjuan P Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/29/02</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on November 12, 2004 has been entered. No claims have been amended. Claims 1-18 have been cancelled. Claims 19-35 have been added. Claims 19-35 are now pending in this application, with claims 19 and 26 being independent.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The language of claims 19 and 26 is confusing to the Examiner. Applicant uses terms that are unclear to the Examiner, such as "common signaling channel." Should this be "common channel signaling"? Examiner would like to bring to Applicant's attention that "common channel signaling" is a term of art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayball et al (US 6,356,627).
5. In regards to claims 19 and 26, Hayball discloses a method and apparatus for switching a connection between subscribers (Fig. 3, calling subscriber terminal 380, and called party/service 382) of a communications network including a “common signaling channel” (common channel signaling) (SS7/signaling source 30) that carries a control signal for controlling a call function, information channels (voice paths/routes 354 and 356) independent from the “common signaling channel” for carrying at least voice data (col. 10-11 lines 58-67), a transit exchange (MSH sub-net 350) comprising at least one switching network (ATM (Broadband) Network 40) and associated line trunk groups (multi-service hubs (MSH) MSHs 302, 304, 306, and 308), the switching being effected at a request of an external communication network, the method comprising: connecting two inputs (exchanges 32 and 34) corresponding to information channels (voice paths/routes 354 and 356) of respective line trunk groups (multi-service hubs (MSH) MSHs 302, 304, 306, and 308) to another, thereby allocating the information channels to each other (Fig. 3 and col. 10 lines 41-67); transmitting a control signal on the “common signaling channel” (common channel signaling) (SS7/signaling source 30) indicating that a connection to a first subscriber (calling subscriber terminal 380) of the

communications network is switched through a first information channel (voice path/route 354) of the information channels (col. 8 lines 12-20 and col. 11-12 lines 66-12); and transmitting a control signal on the "common signaling channel" (common channel signaling) indicating that a connection to a second subscriber (called party/service 382) of the communications network is switched through a second information channel (voice path/route 356) of the information channels (col. 11-12 lines 66-12, col. 12 lines 13-33, and col. 12 lines 51-60).

6. In regards to claim 20, Hayball discloses the method, further comprising: forwarding terminal signaling of the connection to the first subscriber to the connection to the second subscriber over the "common signaling channel" (common channel signaling) (col. 11-12 lines 66-12, col. 12 lines 13-33, and col. 12 lines 51-60).

7. In regards to claims 21 and 27, Hayball discloses the method and apparatus, further comprising: signaling on the "common signaling channel" (common channel signaling) in accordance with ITU-T Signaling System No. 7 (col. 2 lines 19-28 and col. 8 lines 12-20).

8. In regards to claim 22, Hayball discloses the method, further comprising: signaling messages between the connection and the first subscriber to the connection of the second subscriber in accordance with ITU-T Signaling System No. 7 (col. 2 lines 19-28, col. 8 lines 12-20, and col. 11-12 lines 66-5).

9. In regards to claim 23, Hayball discloses the method, further comprising: transmitting control signals via an existing controller (signaling server 352) of the transit

exchange (MSH sub-net 350) (col. 10 lines 41-57, col. 11 lines 36-57, and col. 12 lines 34-50).

10. In regards to claims 24 and 34, Hayball discloses the method, further comprising: initiating a connection after a request from another communication network by a program installed on a network server (computer 410) which is connected to another communication network (broadband/ATM/Internet Protocol (IP) domain 401) (col. 15 lines 25-56).

11. In regards to claims 25 and 35, Hayball discloses the method, wherein the another communication network is the Internet (broadband/ATM/Internet Protocol (IP) domain 401) (col. 15 lines 13-24).

12. In regards to claims 28, 29, and 32, Hayball discloses the apparatus, wherein the inputs are compatible with PCM transmission links (col. 1-2 lines 63-10).

13. In regards to claim 30, Hayball discloses the apparatus, wherein the controller is an existing controller of the transit exchange (col. 10 lines 41-57, col. 11 lines 36-57, and col. 12 lines 34-50).

14. In regards to claim 31, Hayball discloses the apparatus, wherein the transit exchange is of an EWSD (Electronic World Wide Switching Device) (col. 11 lines 11-28 and col. 11 lines 36-57).

15. In regards to claim 33, Hayball discloses the apparatus, wherein the inputs are connected at one line trunk group (Fig. 3 and col. 10 lines 41-67).

### ***Conclusion***

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16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frey et al (US 6,539,090) teach a generalized arrangement for routing telecommunications calls. Dolan et al (US 6,477,246) teach a method and apparatus for providing expanded telecommunications service. Frey et al (US 6,535,596) teach a call processing system utilizing subscriber services and preferences.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

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20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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